

PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PAAB Docket No. 2015-077-00844R

Parcel No. 080/01219-000-000

Melvin McRoy,
Appellant,

vs.

Polk County Board of Review,
Appellee.

Introduction

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on July 26, 2016. Melvin McRoy was self-represented. Assistant Polk County Attorney Mark Taylor represented the Board of Review.

Melvin McRoy is the owner of a residential brick one-and-a-half-story home located at 1401 Chautauqua Parkway, Des Moines. Built in 1929, it has 1586 square-feet of gross living area and a full basement. The property is listed in normal condition. It also has a detached one-car garage built in 1940 and a deck. The site is 0.194 acres. (Ex. A).

The property's January 1, 2015, assessment was \$97,900, allocated as \$15,000 to the land, and \$82,900 to the improvements.

McRoy's protest to the Board of Review claimed the property was assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b).

The Board of Review denied the petition. McRoy then appealed to PAAB.

Findings of Fact

Melvin McRoy testified that the condition of the property is below normal. He asserts the home has interior and exterior water damage resulting in some foundation and flooring issues. The home has plaster walls, galvanized plumbing, and a dated

electrical system. He testified that at this point, he is unable to afford the cost of updating the home. For these reasons, he believes the property is in below normal condition.

McRoy did not offer any evidence of the fair market value of the property.

The Board of Review did not offer any witnesses.

Conclusions of Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. §§ 441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b), the taxpayer must show:

1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

McRoy asserted his property is inferior in condition because it has had both interior and exterior water intrusion issues resulting in concerns with the foundation and flooring. Moreover, the property is dated throughout and he is unable to afford the cost of updating. In his opinion, the property should be rated as below normal. He did not submit any photos of the damage or any repair estimates to substantiate the condition of the property. If McRoy believes the property is incorrectly listed, we suggest he contact the Assessor's Office to request an interior inspection for future assessment cycles.

Because McRoy did not submit any evidence to demonstrate the property's assessment exceeds its market value, we find he has not shown his property is assessed for more than authorized by law.

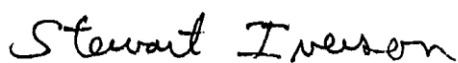
Order

IT IS THEREFORE ORDERED that the Polk County Board of Review's action is affirmed.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair

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